



U.S. Department of Justice

United States Attorney  
Southern District of New York

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86 Chambers Street  
New York, New York 10007

July 19, 2019

**By ECF**

Hon. Laura Taylor Swain  
United States District Judge  
Thurgood Marshall United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: Enforcement of Civil Investigative Demand No. 19-127

Dear Judge Swain:

The United States submits this letter in support of its unopposed application for an order directing the New York City Department of Health and Mental Hygiene (“NYC DOHMH”) to produce information in response to a Civil Investigative Demand.

The United States Attorney’s Office for the Southern District of New York is currently investigating lead paint safety and other health and safety issues in housing owned by private landlords, including potential false claims for payment submitted by landlords in violation the False Claims Act. *See* 31 U.S.C. § 3729 *et seq.* Such potential false claims include requests for payment under rental assistance programs of the United States Department of Housing and Urban Development (“HUD”) by landlords who misrepresent their compliance with laws requiring federally subsidized housing to be decent, safe, and sanitary, *see, e.g.*, 24 C.F.R. §§ 982.1, 982.401, 982.605, 983.4, 983.101, and with applicable federal regulations regarding lead and lead-based paint in public housing, *see, e.g.*, 24 C.F.R. part 35.

Under the False Claims Act, the United States is authorized to issue civil investigative demands to persons in possession of documentary material or information relevant to the false claims investigation. *See* 31 U.S.C. § 3733. On July 1, 2019, the United States issued a Civil Investigative Demand (“CID”) to NYC DOHMH seeking information about individuals with elevated blood-lead levels in properties owned by certain Section 8 landlords (“CID 19-127,” a copy of which is attached as Exhibit A<sup>1</sup>).

As reflected in the letter attached as Exhibit B, NYC DOHMH has asserted that without a court order, Article 11 of the NYC Health Code or Section 18 of the New York State Public

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<sup>1</sup> Exhibit A omits Riders C and D to the CID, as those Riders contain identifying information regarding particular landlords currently under investigation. If the Court deems it necessary to review these Riders, the Government respectfully requests that the Court enter an Order approving filing of those documents under seal.

Health Law may prevent NYC DOHMH from producing certain materials responsive to CID 19-127 that reflect individuals' medical or individually identifiable information, patient information, and information from the New York City children's blood lead registry. NYC DOHMH has agreed that it will produce this information upon entry of the enclosed court order, and it does not oppose the United States' application for such an order. The Court has jurisdiction to enter an order enforcing the CID. 31 U.S.C. § 3733.

The information sought by CID 19-127 is relevant to the United States' investigation into whether federally subsidized landlords have made false claims for payment to the United States pertaining to lead paint compliance and health and safety conditions in their housing units. Production of the information is in the interest of justice. Accordingly, the United States respectfully requests that the Court enter the enclosed order directing NYC DOHMH to produce documents and information responsive to CID 19-127.

Respectfully submitted,

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Southern District of New York

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Enclosures

cc: (by email)

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